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REMARKS

The Examiner has rejected Claims 1, 4-8, 11, 15, and 18-21 under 35 U.S.C 102(e) as being anticipated by Peng (U.S. Patent No. 6,317,754). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims.

With respect to independent Claims 1 and 15, the Examiner has relied on Fig. 7 and the following excerpt from Peng to make a prior art showing of applicant's claimed "broadcasting a request by a requesting peer for a resource over the peer-to-peer network wherein the request contains an identification of the resource and the resource identification contains a resource version identifier."

"1) The first server sends its summarizing version vector to the second server...  
3) Upon receiving the summarizing version vector and identifiers from the second server, the first server figures out all of the identifiers of objects which need to be received as whole objects and sent to the second server. The sub-steps for this step are as follows:  
a) Find out all objects which exist in the second server but do not exist in the first server and put their identifiers into the list of objects needed to be received from the second server. This is done by checking if any of the received identifiers of objects matches the identifier of any object existing in the first server.  
b) Find out all objects which exist in both servers that can support differential synchronization. Then check if any of these objects' base version vector is newer than the common version vector of the two servers, where base version vector of an object refers to the version vector of the object absent any differential updates and where the common version vector refers to a version vector reflecting the state from where the two servers' summarizing version vectors diverged. All of the identifiers of the objects which passed the check are also added to the list of objects needed to be received from the second server.  
c) Send all the identifiers obtained from sub-steps a) and b) to the second server." (Col. 5, lines 41-42, 48-Col. 6 line 6)

Applicant respectfully asserts that the above teaching of Peng simply describes sending a summarizing version vector from a first server to a second server, and not "broadcasting a request by a requesting peer for a resource over the peer-to-peer

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network,” as claimed by applicant. Broadcasting a request, as claimed by applicant, allows for multiple peers to respond, whereas in Peng, a first server simply synchronizes its resources with a second server (see Abstract).

To further emphasize the distinction between applicant’s claim language and Peng’s disclosure, applicant has amended Claims 1 and 15 to read “broadcasting a single request to a plurality of peers by a requesting peer for a resource over the peer-to-peer network wherein the request contains an identification of the resource and the resource identification contains a resource version identifier.” Thus, in applicant’s claim language, a plurality of peers are sent the single request and any one of the plurality of peers may respond, whereas Peng’s synchronization of all resources is commenced solely between two servers at a time.

With respect to independent Claim 8, the Examiner has relied on the following excerpts from Peng to make a prior art showing of applicant’s claimed “automatically downloading a catalog containing a current listing of resources for the product at a predetermined time, each resource being identified by a resource version identifier.”

“2) Upon receiving the summarizing version vector of the first server, the second server sends to the first server its summarizing version vector, followed by all of the identifiers of objects which exist in the second server and that can support differential synchronization.” (Col. 5, lines 43-46)

“In one embodiment, the primary servers are automatically and frequently synchronized in order to maintain good data consistency among the primary servers.” (Col. 2, lines 65-67)

“Therefore, in the subject system, the system allows a server to select a set of servers and purge off updates if the updates have already propagated to all of the selected servers. Furthermore, a selected server may also be excluded in the consideration of purging off updates if it is not synchronized with the selecting server for a period in excess of the preset limit.” (Col. 5, lines 18-25)

Applicant respectfully disagrees. The foregoing excerpts simply fail to meet applicant’s claimed “automatically downloading a catalog containing a current listing of resources for the product at a predetermined time, each resource being identified by a

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resource version identifier” (emphasis added). Only applicant teaches and claim resources for a product, in such claimed context.

In addition, the Examiner has relied on the following excerpt from Peng to make a prior art showing of applicant’s claimed “requesting each resource to be requested in a separate transaction over the peer-to-peer network.”

c) Send all the identifiers obtained from sub-steps a) and b) to the second server.” (Col. 6, lines 5-6)

Applicant respectfully asserts that Peng’s disclosed “send all the identifiers...to the second server” fails to meet applicant’s claimed “requesting each resource to be requested in a separate transaction over the peer-to-peer network” (emphasis added), because Peng sends all of the identifiers in one step. In addition, applicant points out that Peng teaches that “all of the identifiers of the objects which passed check are also added to the list of objects needed to be received from the second server” (Col. 6, lines 2-4 – emphasis added). This clearly *teaches away* from applicant’s claimed “requesting each resource to be requested in a separate transaction over the peer-to-peer network.”

To further distinguish between applicant’s claim language and Peng’s disclosed invention, applicant has amended Claim 8 to read “requesting each resource to be requested in a separate transaction over the peer-to-peer network, the request being made via a single broadcasted request to a plurality of peers.”

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

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This criterion has simply not been met by the Peng reference, especially in view of the amendments made hereinabove. A notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with regard to Claims 7 and 21, the Examiner has relied on Peng's disclosed "[u]pon receiving the identifiers from the first server, the second server compares its latest common ancestor version vector with the summarizing version vector of the first server" (see excerpt from Col. 6, lines 7-39) to make a prior art showing of applicant's claimed "requesting each resource to be requested in a separate transaction such that each resource to be requested may be retrieved from a same or different responding peer."

Applicant respectfully asserts that simply synchronizing all resources between a first and second server by way of the exchange of summarizing version vectors, wherein each summarizing version vector includes data on all of the resources installed on a corresponding server, does not allow for requesting "each resource in a separate transaction such that each resource to be requested may be retrieved from a same or different responding peer," as claimed by applicant.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 22-25 below, which are added for full consideration:

"wherein the responding peer scans a list of local aliased copies to determine if the responding peer has a local version of the requested resource" (see Claim 22);

"wherein the responding peer waits a predetermined period of time before responding that the responding resource has the requested resource" (see Claim 23);

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“wherein the predetermined period of time is randomly generated between 0 and 2000 milliseconds” (see Claim 24); and

“wherein, after receiving the response, the requesting peer broadcasts a message to the plurality of peers that the requested resource has been found” (see Claim 25).

Again, a notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P275/01.014.01).

Respectfully submitted,  
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